

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD
Reorganizational Meeting
January 3, 2008**

Members in Attendance

David Dowling
Sara Jane Cate
Richard Freeburn
Gregory Sirb
Jeffrey Staub

Also in Attendance

James Turner, Solicitor
Lori Wissler

Call to Order

The reorganizational meeting of the Lower Paxton Township Zoning Hearing Board was called to order by Chairman Dowling at 7:03 pm at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Election of Officers

Jeffrey Staub was nominated for Chairperson by Ms. Cate. Mr. Sirb seconded the motion and a unanimous vote followed.

Sara Jane Cate was nominated for Vice-Chairperson by Mr. Freeburn. Mr. Sirb seconded the motion and a unanimous vote followed.

Michelle Hiner was nominated for Recording Secretary by Mr. Dowling. Mr. Sirb seconded the motion and a unanimous vote followed.

Filius & McLucas Reporting Services was nominated for Court Reporter by Mr. Dowling. Ms. Cate seconded the motion and a unanimous vote followed.

James Turner of Turner & O'Connell, was nominated for Solicitor by Mr. Dowling. Mr. Sirb seconded the motion and a unanimous vote followed.

Ms. Cate made a motion to continue the same time, date and place for the Zoning Hearing Board meetings. Mr. Sirb seconded the motion, and the motion passed unanimously. The meeting date, time and place for 2008 were established as the fourth Thursday of the month, at 7:00 pm, at the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania, 17109.

Adjournment

The Zoning Hearing Board reorganizational meeting adjourned at 7:08 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary

**LOWER PAXTON TOWNSHIP
ZONING HEARING BOARD**

Meeting of January 3, 2008

Members in Attendance

Jeffrey Staub, Chairman
Sara Jane Cate, Vice Chairperson
David Dowling
Richard Freeburn
Gregory Sirb

Also in Attendance

James Turner, Solicitor
Lori Wissler, Planning & Zoning Officer

**Special Exception #07-04
*Continuation Hearing***

Applicant:	Rick Ingram, Rick's Tree & Stump Removal
Address:	6106 Blue Valley Avenue, Harrisburg, PA
Property:	6106 Blue Valley Avenue, Harrisburg, PA Tax Parcel #35-022-121
Interpretation:	A tree service is a major home occupation, and a major home occupation requires a Special Exception. Applicant wishes to continue the operation of a tree service at 6106 Blue Valley Avenue.
Grounds:	Article 306.B.1 of the Lower Paxton Township Codified Ordinances pertains to this application.

The following remained under oath from the previous hearing: Rick Ingram, 6106 Blue Valley Avenue, Harrisburg, PA, applicant; and Lori Wissler, Planning and Zoning Officer.

Ms. Wissler testified that the appropriate fees were previously paid on July 27, 2007. The hearing did not need to be readvertised or reposted.

Ms. Wissler testified that the applicant was granted 90 days in which to clean up the exterior of the property, and remove the logs and lumber.

Mr. Ingram stated he was told that if he made the outside of the home look like a home and less like a business, he would be granted the special exception for the major home occupation. He noted that outdoor storage was not allowed whether or not he was granted the special exception. He stated that he had 90 days to remove the logs, except those that were for personal firewood. There are two to three logs laying there that were recently dropped there. Besides those, he removed the logs and cleaned up as much of

the property as possible. All of the stuff that had been sitting in front of the house has been moved. He installed a second driveway to keep the trucks out of the front yard and they are now on the side yard, more than 100 feet away from the street. Mr. Ingram noted that most of the stuff had been there for four years or more. There are a few small piles of lumber, much less than had been there, which is for personal use.

Mr. Staub asked Staff about the storage of equipment. Mr. Ingram stated that some Board members were concerned about the logs and one member was concerned about the trucks. He noted that he was told to clean it up and make it look like a residence so that someone could go back and inspect the property.

Ms. Cate stated that the Board gave the applicant two months to make the property look like a residence. Ms. Cate stated she went to the property this morning and saw one truck that said Rick's Lumber drive out, followed by another truck driven by Mr. Ingram. Ms. Cate stated that the applicant testified that he has no employees, yet every time she has been to the property there is more than just Mr. Ingram working there. Mr. Ingram stated he has a friend that occasionally empties the truck for him. He does occasionally have a friend help out, but he has no employees. Mr. Ingram noted that if granted a special exception for a major home occupation, he is permitted to have one employee park on the property.

Ms. Cate asked if there are currently two trucks with trailers. Mr. Ingram stated he has one with a chipper and one with a trailer. Ms. Cate asked about the backhoe, front end loader, sweeper, and snow plow. Mr. Ingram stated he has no sweeper, and the snow plow attaches to the skid loader. Ms. Cate stated there were four pieces of equipment on the property besides the two trucks when she visited. Mr. Ingram stated the backhoe is for personal use not for the tree business. He uses the backhoe at the East Hanover property, but keeps it at the Blue Valley Avenue property.

Ms. Cate questioned the pink cans. Mr. Ingram stated he collects vegetable oil in them to use for heating.

Ms. Cate stated that there is still a lot of lumber on the site. Mr. Ingram stated it is for building materials for his personal use.

Ms. Cate stated that there are huge trees that have not been cut into logs. Mr. Ingram explained that the ones on the pile are all cut and ready to be split.

Mr. Dowling asked about the status of the East Hanover property. Mr. Ingram stated he is still working on that, and noted it is the middle of the winter. He further stated that he has moved a good portion of the logs to that property, as well as a good portion of the lumber.

Mr. Dowling asked if the applicant brings wood home from a job site. Mr. Ingram stated he has done that if it was for firewood, but noted he has not done that in at least a year. He noted that the only other instance he would bring wood home is to keep it until he has a full load to go to the mill. There is currently one 16-foot Spruce and one

8-10-foot Spruce log; these are the only saw logs on the entire property. About 40 feet away is a pile of logs that is for firewood, and about half are cut already. Ms. Cate stated they did not look like they were cut. Mr. Ingram told her she should have looked closer to see the cuts in the logs.

Mr. Dowling asked about wood being brought to the house from a job site. Mr. Ingram stated that if it is for firewood, it is hauled to someone else's house. There are at least 15 people that want firewood at any given time. If he only has one or two logs to give for firewood, he will sit it on the property until he has a few more to make the trip worthwhile. None of that wood will sit for more than two to three weeks. Mr. Ingram also noted that with the recent ice storm and huge amount of damage he is busier than ever, so he has had very little time to get to these things. The price of gas also prohibits him from driving the extra miles for a very small load.

Mr. Dowling felt that if the logs were stockpiled at the house for redistribution, then a business is being run at the house. Mr. Ingram stated he is not stockpiling it, there may be up to three logs there. He noted that before this hearing, there may have been 40 or more. He has removed those piles and graded the topsoil to be used for gardening again.

Mr. Dowling asked if the vehicles are kept off the street. Mr. Ingram stated that the vehicles have never been parked on the street for more than an hour at a time. They are never parked on the street overnight.

Mr. Dowling stated that at the previous hearing the Township held the position that the vehicles are not a problem if kept off the street and a reasonable amount of firewood for personal use was also not a problem. Ms. Wissler added that each of the things listed would not be a problem individually. The combination of all of the factors says to her that there is definitely a business being run there. Ms. Wissler stated that the applicant has made a lot of progress and has moved a lot of the logs away. If an individual person had any one of the things it would not be noticed, but Mr. Ingram has a lot of everything leaving no doubt that there is a business.

Mr. Sirb stated that the applicant knows he lives in a residential area. He stated most people do not have two Ford F-700's (dump truck and chip truck), a Trail King 9-ton tag-along trailer, a chipper, a skid loader (aka Bobcat), and a stump grinder. Mr. Sirb stated that is not a typical residential property. Mr. Sirb felt the applicant was messy. A residential property has to be a residential property. A business cannot look like a business in a residential neighborhood. He stated that if his neighbor had a place that looked like that he would be talking to him about it.

Mr. Ingram stated that every single neighbor in the neighborhood appreciates that he lives where he lives. Every time it snows a half an inch he plows the entire street and every one of their driveways with his skid-loader. Every limb that fell, whether put to the curb or left in the yard, was collected by Mr. Ingram. He climbed their trees and cleaned up their messes for them.

Mr. Sirb stated that is beside the point, the house is in a residential neighborhood. Mr. Ingram stated he does not accept money from his neighbors for the work he does. One neighbor insisted on paying him because he felt Mr. Ingram was a hard working business man, which is what built America. Mr. Sirb agreed with the neighbor's sentiment, but stated the property has to look residential. Mr. Sirb added that the business looks like it is doing great and seems to be growing. Mr. Sirb told him to buy a little place for the business and park all the items there, and come home to a residential house. Mr. Ingram did not want to live in a residential house next to Mr. Sirb or anyone else after spending all day at other people's residential houses and seeing how lazy they are while he is working hard all day every day, and making phone calls all night long. Nobody appreciates that because there are some trucks and some logs in the yard. Mr. Ingram stated he does not understand politics or the way they work. The items in his yard help save heating costs for him and everyone who he gives the wood to.

Mr. Sirb stated it looks like a business. Mr. Sirb stated that an exception is required under the Township ordinance to continue a business there. He stated that the Board has given out many exceptions, but the issue is the exterior. He speculated that there are many businesses that the Township doesn't even know about because they keep it looking residential and nothing drawing attention to it. Mr. Sirb hoped that Mr. Ingram and his business succeed, but it cannot be run out of the house when it looks the way it does.

Mr. Dowling asked about the complainer that created this. Ms. Wissler stated she has not had any other contact with her, but the complainer has spoken to two of the Supervisors. Mr. Dowling noted for the record that the complainer is not present. She also was not present at the first hearing.

Mr. Freeburn stated that a residential business should be conducted indoors. In the letter dated July 2007, the applicant states nothing is done inside the house. Mr. Ingram stated it is a tree service, all the work is in someone else's yard. Without being insulting or confrontational, Mr. Freeburn appreciates and respects the hard work the applicant does. However, he is trying to make what Mr. Ingram does fit into the requirements of the ordinance. By simply looking at the home a passerby can tell that there is a business there. Because of that, the use does not fit the requirements of the ordinance. The ordinance also states that excavating equipment is not to be stored on the property. There is a backhoe. Mr. Freeburn stated that the property has been cleaned up since the last meeting. The problem is that the nature of the business is such that it waxes and wanes in terms of how he will be able to maintain the property. The Township does not have the staff to continually police commercial uses. Mr. Freeburn stated that the next person may not be the kind of person that Mr. Ingram is. The neighbors in the neighborhood have good feelings about Rick's Tree Service, which may be more of a reflection on the person Rick Ingram is as opposed to the business itself. The variance will go with the property, not the business, meaning anyone that owns that property will have a right to that type of business.

Mr. Dowling posed the following hypothetical question, what if tomorrow Mr. Ingram no longer runs a tree business, but the property still looks and functions the same,

what does that mean to the Township. Mr. Freeburn stated that if there is no business, there is no violation of the zoning ordinance. There may be violations of other ordinances. Mr. Dowling asked if there really is a business being run there. Mr. Sirb stated there is because the business, the wood and vehicles, are being brought there. Mr. Dowling asked if it would be different if the trucks were there for a homeowner and not a business owner. Mr. Sirb stated that if the business wasn't there the trucks wouldn't be there. Mr. Dowling disagreed. Mr. Sirb was concerned because the business has grown, and has been allowed to expand on the property as well. There were no complaints for four years, but now that the business is booming, complaints are generated. Mr. Freeburn stated that a tree business requires warehousing, storage of equipment and storage of vehicles. Mr. Freeburn stated that a roofing business would have multiple trucks and materials. Mr. Dowling did not think Rick's is a home business, and felt the ordinance is to control people who are running a business in their home.

Mr. Ingram stated that if he quit the tree business tomorrow, the equipment might not remain, but the lumber would sit where it is because it belongs to Rick Ingram not Rick's Tree Removal. Rick Ingram, the person, knows a guy with a saw mill and doesn't like to waste anything so he is slowly accumulating lumber which would otherwise be very costly. Rick Ingram, the person, also likes to use his fireplace so he has logs on the yard for firewood. Rick's Tree Removal just so happened to drop off some logs for Rick Ingram's use. If Rick's Tree Removal's trucks aren't parked at Rick Ingram's house, Rick Ingram will still have logs and lumber on the property. Mr. Freeburn agreed with that and had no problem with it. Mr. Ingram stated that the trucks make it look like there is a business there. Mr. Sirb stated there is a business being run there.

Mr. Ingram stated that if he as a person knew someone that had logs to get rid of, he would have it dropped at his house and there would be the same amount of material at the house. He would still own the dump truck with or without the business, because he would haul firewood for people, as well as dirt or coal or stone if someone needed it. Mr. Ingram felt he was not the only person who is industrious enough to use firewood for heat and use vehicles larger than a passenger car.

Mr. Freeburn did not disagree with the general premise of the personal versus commercial uses and items. He also agreed that if the trucks were not there, there may not be any basis for a hearing such as this. He noted that there is not a small amount of equipment there either. Part of the business is the storage of vehicles and equipment. A requirement of the special exception for a major home occupation is that the business be conducted indoors.

Mr. Staub stated there is no discrepancy that a business is being run at the property. At the previous hearing, the Board was inclined to deny the application, but granted a 90-day extension to allow the applicant the opportunity to make the place look like a residential property. The hearing tonight is to determine if that was accomplished. If that was done, the indication was that the special exception will be granted.

Mr. Ingram asked about if the inspection was done when the vehicles were there or not there. Mr. Ingram understood that the Township did not have an issue with the

vehicles at the property. Mr. Staub stated that the property looks much more orderly today than it did in August. It still looks like a business.

Ms. Wissler agreed it looks better than it did, and she has been to the property on a monthly basis and each time there are two to three pieces of equipment.

Mr. Ingram stated that the “stuff” was the problem, and the complainer never mentioned the vehicles.

Mr. Sirb asked if the vehicles were ever on the roads when the Township inspected the property. Ms. Wissler stated she never saw the vehicles on the road.

Mr. Sirb asked how possible it might be to have a different site for parking the vehicles and the wood. Mr. Ingram stated he is in the process of doing just that but he has only owned the property for a year. He has already moved the saw logs there. He felt that it would make everybody happy if he parked the vehicles out there. Ms. Cate noted it is not just the trucks and trailers, but also the equipment. Mr. Sirb asked if that is a possibility and if that is the direction the applicant is headed anyway. Mr. Ingram stated he is making progress at the other site, but he is also trying to do everything at the same time. He has run a second driveway and roadway and has begun stickering lumber out there as well as has the pile of logs out there. He is working on it. Mr. Sirb stated that it is not uncommon that in home businesses outgrow the house and the businessperson is afraid to make the leap to get a place for the business. Mr. Ingram stated that the skid loader and stump grinder are on the trailer attached to one truck and the chipper is towed behind the chip truck so moving them is not a problem. The backhoe is not for the tree business; if he didn't own a tree service he would still own the backhoe.

Mr. Dowling still felt that Mr. Ingram's business is not a home occupation. It may, however, violate the ordinance about storage of commercial vehicles. Mr. Sirb disagreed, the phone rings there, the paperwork is done there and the business is conducted there. Mr. Dowling stated that if the trucks are not kept there, then the appearance of the business goes away.

Mr. Freeburn stated that outdoor storage is not permitted, and leaving the trailer and other equipment outside seems to violate that. If the equipment being stored outside is not related to the business, then the Zoning Hearing Board may not have jurisdiction, however, if the equipment is tree-service-related, then it cannot be stored outside.

Board members agreed that the only way the exception can be granted is if the trucks and equipment are moved off the site.

Mr. Sirb wanted to extend the hearing to give the applicant a chance to get things together and get the property looking the way it should so that he can further his business.

Mr. Dowling asked if the exception could be conditioned upon removing the vehicles and equipment within thirty days, otherwise the exception is denied.

Ms. Cate asked if sixty days was more appropriate. Mr. Ingram stated he does not need sixty days.

Mr. Staub called for comments from the audience, and there were none.

Mr. Freeburn made a motion to grant the request for special exception conditioned upon the permanent removal from the property of the trucks, trailers and outdoor storage of equipment related to the home occupation.

Mr. Dowling asked the applicant to identify the personal vehicles. Mr. Ingram stated he uses an S10 Blazer, Rako 1635A. Mr. Freeburn did not want to include specific equipment in the motion so that it does not limit the motion.

Ms. Cate seconded the motion. A roll call vote followed: Mr. Freeburn-Aye; Mr. Dowling-Aye; Mr. Sirb-Aye; Ms. Cate-Aye; and Mr. Staub-Aye. The special exception has been granted.

The hearing ended at 8:10 pm.

Docket # 1241

Applicant: Francis X. I. Purcell

Address: 6510 Leo Drive, Harrisburg, PA 17111

Property: 5817 & 5819 Linglestown Road
35-016-110

Interpretation: **601** 24 parking spaces are required.
The applicant is proposing 20 spaces.
603.C.2 Each aisle providing access to stalls for two-way traffic shall be a minimum of 22 feet in width.
The applicant is proposing 19.29 feet.
803.D.1 A minimum 30 foot wide buffer yard shall be required along the rear and side lot lines of any lot used for principal non-residential purposes that is contiguous to a lot occupied by an existing principal dwelling.
603.A.3 Parking areas shall not be within the required buffer yard.
The applicant is proposing parking in the buffer yard.

Grounds: Sections 601, 603.C.2, 803.D.1, 603.A.3, of the Lower Paxton Township Codified Ordinances pertain to this application.

Chairman Staub recused himself from this hearing because of a business relationship with the applicant.

The following were sworn in: John Null, 4704 Franklin Street, the previous owner of the subject property; Tommy Spriggle, 5830 Wisteria Lane, Harrisburg, PA 17112, neighbor to the subject property; Francis Purcell, 6510 Leo Drive, Harrisburg, PA 17111, applicant; and Lori Wissler, Lower Paxton Township Planning and Zoning Officer.

The applicant had no objection to entering the application, site plans and attachments as exhibits.

Ms. Wissler testified that the appropriate fees were paid on December 3, 2007. Proper advertisements were made in The Paxton Herald on December 19 and 26, 2007. The property was posted December 26, 2007.

Ms. Wissler testified that the following sections of the Lower Paxton Township Codified Ordinances pertain to this application: Sections 601, 603.C.2, 803.D.1, 603.A.3.

Stewart Sacks, attorney for the applicant, presented photographs of the property, identified as applicant exhibits #1-7, and oriented the Board to the property. He noted that there are no conformities on the lot. The building was built in the 1970's and has been that way ever since.

One drawing shows a parking scheme with 20 spaces, and there is an alternate showing 24 spaces. Mr. Freeburn asked if the parking spaces conform to the regulations, and to what extent. Mr. Sacks answered mostly, noting that the spaces themselves comply, but the aisle widths do not. Mr. Freeburn asked if the spaces are standard size of 9x18. Mr. Sacks explained that the building has been used commercially since 1973 or 1974. For the first time in history, this property has come under scrutiny. The parking plan shown is in conformity, with the minor exception of two feet of aisle width and a foot in the angled parking on the concrete pad. Those are the nonconformities imposed by the current ordinance on the way the property has always been used.

Ms. Cate asked about the businesses that were previously operated on the property. Mr. Sacks stated that Mr. Null operated a martial arts school and a catering business. The use was classified as an amusement use, and Mr. Purcell proposes to continue an amusement use on the top floor, an arcade or game room for kids.

Mr. Null owned the property from 1996 until last year. The address at the time of purchase was 5815-rear, which caused some confusion with 5815 Linglestown Road. The Post Office agreed to give him 5817 for the catering business and 5819 for the martial arts school. Those businesses operated the entire time he owned it. No disturbances or complaints were ever generated about the property. Mr. Null stated he has had up to 100 students at a given time on a weekly basis and never had a problem with parking. His classes were in the evening, which is when the strip mall was closed, so it never had any impact on the neighbors.

Ms. Cate asked if work has already begun on the project. Mr. Purcell stated that he met with the building department and did work as they discussed, which was then inspected. He was then passed on to the zoning department. Ms. Cate asked about work done to the exterior of the building. Mr. Purcell stated he painted and pressure washed the exterior of the building. He cleaned up the landscaping and replaced light bulbs.

Mr. Turner asked what the use of the property was before Mr. Null owned it. Mr. Null stated it was a restoration company so they had a lot of chemicals and hazardous waste stored there. Mr. Null stoned the parking lot to level out the land. He intended on black-topping the road, but he didn't own it so it was not done. The owners of 5821 also own Fox Alley.

Mr. Freeburn stated that in order to benefit from a pre-existing/non-conforming clause, you have to be able to show that it was at one time conforming and by the Township changing the zoning regulations it then became out of compliance. Mr. Sacks stated that it has never been in compliance. Mr. Freeburn stated that you cannot be grandfathered in simply because it has always been this way, you have to show that it was a permitted use or in conformance with the zoning ordinance at some point in time. Mr. Sacks stated that the building has always been used in a non-conforming way, with

non-conforming parking, therefore, any standard imposed on it would be arbitrary. There has never been an issue with violations. Mr. Freeburn asked if there is a statute of limitations that says that if the Township doesn't issue violations within a certain period of time that they lose the right to do so. Mr. Freeburn stated that the applicant's attorney is trying to argue equitable estoppels, that the Township did something, on which you relied, to your detriment.

Mr. Turner disagreed with the parking analysis for the rear area. As the uses change for the building, a parking analysis must be done. The building may have been in complete conformance, but now that they want to use it for something else, the parking should be reconsidered. Mr. Sirb agreed, especially with regard to the parking that is gravel and not consistently established. Mr. Sacks stated that the parking area was at one time grass and muddy, and now is gravel, which is an improvement.

Mr. Turner cautioned the applicant, that prior to leasing the other floor, he talk to the Township. Ms. Wissler gave the example of a retail store that currently has a deficit of four spaces, and the building is changed to an office use, the office use has a right to the four space deficit, but still has to make up the difference in the change in use.

Mr. Sacks retained the position that the applicant doesn't even need a variance because it is a continuation of non-conformities, and felt that the Board should simply issue the occupancy permit. Mr. Sacks noted that the use proposed is to serve persons that do not drive.

Mr. Turner suggested that, if the Board were inclined to grant the variances, the applicant withdraw the appeal. Mr. Sacks felt he would lose that appeal if he didn't fight it now.

Mr. Sacks stated that the applicant is seeking approval based on the plan that shows 24 parking spaces, as it is today (Exhibit #9). Mr. Sirb asked if the aisle and buffer widths will stay the same. Mr. Sacks answered yes.

Mr. Turner questioned the aisle width at the southern portion. Mr. Sacks stated it goes down to 17.5 feet at the smallest width.

Mr. Sirb was not concerned with the use, and agreed it can be grandfathered in. Mr. Turner agreed that it is a permitted use. Mr. Sacks stated he is asking for a dimensional variance. Mr. Sirb stated there is no way, except by testimony, to know how much parking was ever there. Because the Township never took any action, Mr. Sirb couldn't say that the dimensional issues can be grandfathered in. At some point, the Township has the right to impose regulations. Mr. Sacks stated that could have been done at any time over the last thirty years. Mr. Sacks stated he was willing to bring it up to current standards. Mr. Sirb stated that is the point. Mr. Sacks did not feel a hearing was necessary to do that.

Ms. Cate stated that the testimony says there were 100 cars there before, she asked if the applicant felt he could still park a hundred cars there now. Mr. Sacks stated

he would not be that crazy. He wants to be reasonable and put in what the Township requires, in the way that the Township requires it, except for a few feet here and there.

Ms. Cate asked about signage. Mr. Purcell stated he will only change the face on the existing sign. Ms. Wissler stated that was permitted.

Ms. Cate called for comments from the audience. There was none.

Mr. Dowling made a motion to deny the appeal of the zoning officer's decision, thus upholding the decision of the zoning officer. Mr. Dowling also made a motion to grant the variance application as submitted, as depicted on Exhibit #9. Mr. Freeburn seconded both motions.

Ms. Cate called for discussion on the motion. Mr. Dowling stated he was concerned about the aisle width. If the traffic is a majority of drop-offs, there will be a lot of turning around taking place. Mr. Purcell noted that Fox Avenue is not included in the depiction, but will no doubt be used. All of Fox Avenue will be available since the only destination on Fox Avenue is this site. Mr. Freeburn preferred more parking and less aisle width.

A role call vote followed: Mr. Dowling-Aye; Mr. Sirb-Aye; Mr. Freeburn-Aye; and Ms. Cate-Aye. The appeal was denied and the variance was granted.

The hearing ended at 9:18 pm.

Docket # 1240

Applicant: Robert & Lisa Powley

Address: 133 S. Arlington Avenue, Harrisburg, PA

Property: 133 S. Arlington Avenue
35-056-036

Interpretation: The front yard setback in the R-1, Low Density Residential District is 25 feet.
The applicant is proposing 21 feet.

Grounds: Section 307.A of the Lower Paxton Township Codified Ordinances pertains to this application.

The following were sworn in: Robert Powley, 133 South Arlington Avenue; and Lori Wissler, Lower Paxton Township Planning and Zoning Officer.

The applicant had no objection to entering the application, site plans and attachments as exhibits.

Ms. Wissler testified that the appropriate fees were paid on December 3, 2007. Proper advertisements were made in The Paxton Herald on December 19 and 26, 2007. The property was posted December 26, 2007.

Ms. Wissler testified that Section 307.A of the Lower Paxton Township Codified Ordinances pertains to this application.

Mr. Powley stated the exiting house is already two feet out of compliance. The addition will face Concord Street. In order to look proper and go around a faulty foundation from the old porch, he will need a small variance. It will also increase curb appeal, and line up the existing doorways.

Mr. Dowling asked why not line up the addition with the house. Mr. Powley stated that there is a foundation that was under an old porch, it is deteriorating. He wants to build the new foundation two feet out from that and dig three foot footers. He also wants to run the ridgeline in the opposite direction, and put a break in the curtain wall.

Mr. Freeburn felt the addition was a great idea and will add value to the home as well as the neighborhood.

Mr. Staub asked if the wrap-around porch will be extended around the addition. Mr. Powley answered no, the porch is complete as it is.

Mr. Staub called for comments from the audience. There was none.

The Township had no position on this application.

Mr. Freeburn made a motion to grant the variance application as submitted. Mr. Sirb seconded the motion. A roll call vote followed: Mr. Dowling-Aye; Mr. Sirb-Aye; Mr. Freeburn-Aye; and Ms. Cate-Aye. The variance was granted.

The hearing ended at 9:28 pm.